

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRUCE GREGORY HARRISON, III,     )  
  )  
                  Plaintiff,         )  
  )  
          v.                             )             1:15CV932  
  )  
TODD PERGUSON, et al.,             )  
  )  
                  Defendants.         )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) (Doc. 6) and, on February 19, 2016, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 8.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination, which does not change the outcome of the Recommendation. Thus, the court adopts the recommendation that the action be dismissed as untimely. Plaintiff's action was not filed within the applicable statute of limitations, and Plaintiff's argument for equitable tolling is without merit. See Roseboro v. Brown, No. 13cv513, 2015 WL 631352, at \*3-5 (E.D. Va. Feb. 12, 2015) ("[T]he processing of [plaintiff's Federal Tort Claims Act] claims had no impact on the timeliness of his Bivens action. [The] mere fact that

plaintiff had to comply with two different exhaustion and timeliness requirements does not warrant equitable tolling of the statute of limitations in his Bivens claim." ).

IT IS THEREFORE ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder  
United States District Judge

May 18, 2016